



# CITY COMMISSION POLICY MANUAL



# City of Newton

# **Commission Policy Manual**

Adopted, December 1, 1988  
Revised, July 5, 1989  
Revised, December 20, 1989  
Revised, January 1, 1990  
Revised, February 6, 1990  
Revised 1991  
Revised, May 2, 1995  
Revised, March 25, 2025  
Revised August 26, 2025  
Revised, May 12, 2026

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## 1.1 POLICY CODE DEVELOPMENT PROCESS

### A. BACKGROUND

The Governing Body of the City of Newton is charged with the responsibility of establishing municipal policies to guide the functions, operation and development of the City. Regulatory policies established by the Commission usually are adopted by ordinance and included in the Code of City Ordinances. However, other policies also are established which, by their nature, do not require adoption by ordinance. These policy statements, adopted by resolution of the Commission, need to be consolidated and organized in a reference document for easy access.

The City of Newton utilizes the Commission-Manager form of government, and thereby, leaves the implementation of policy to the City Manager as an administrative decision. To insure continuity between Governmental Policy and administrative decisions, several Administrative Policies are established by the City Manager. These policies are in conformance with written Governmental Policies of the City Commission and State and Federal laws.

#### PURPOSE

It is the purpose of this policy to:

1. Clearly state and compile the municipal policies of the City not covered by ordinance, operating budget or comprehensive plan of the City;
2. Provide for the distribution of these policies to all concerned; and,
3. Establish procedures for the preparation, distribution and maintenance of the "Commission Policy Manual".

### B. POLICY

1. There is hereby established a "Policy Manual" which shall contain all City policy statements adopted by seconded motion or resolution of the Governing Body
2. All policy statements of the Governing Body shall be prepared in writing and approved by resolution. Once approved, statements of policy will be reproduced, distributed and included in the "Policy Manual".
3. Whenever feasible, each statement shall include:
  - a. a brief background description of the problem

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- b. the purpose of the policy or practice
  - c. the statement
  - d. other criteria or procedural sections as required.
5. The City Clerk shall be responsible for the preparation and continued maintenance and distribution of the "Policy Manual" and additions or deletions thereto.
  6. Copies of the "Policy Manual" shall be distributed to each city department head and to the City Manager and to other officers of the city as directed.
  7. The "Policy Manual" shall be available to the general public for review at the office of the City Clerk.

C. PROCEDURE

1. The Governing Body or any standing committee member thereof, the City Manager and the City Boards and Commission may originate draft policy proposals for formal consideration by the Governing Body.
2. All proposed policies shall be routed through the City Manager.
3. Proposed policies may be approved, disapproved or referred for further consideration. All policies shall be adopted by recorded motion of the Governing Body.
4. The City Clerk shall be responsible for the assignment of tentative and final policy numbers and titles to a proposed policy draft.
5. After official adoption by the Governing Body, the City Clerk shall be responsible for the duplication of the statement of policy and its distribution.
6. As required, the City Clerk shall update the Table of Contents and Cross Reference in the "Policy Manual".

## 1-2. POLICY ESTABLISHING AN ANNUAL REVIEW OF COMMISSION POLICIES

Adopted by Resolution G-472, 6/19/1991

### A. BACKGROUND

The City of Newton is constantly changing and so is the environment around it. Different laws, different attitudes, different procedures all tend to change the way things are done.

To assure that these policies are kept current and that they reflect the current desire of the community, it is desirable to have staff routinely review these policies and bring appropriate suggestions for change when needed.

### B. PURPOSE

It is the purpose of this policy to establish a policy of annually reviewing City policies to assure their effectiveness.

### C. POLICY

1. The City Manager shall annually review City policies to assure that they are effective, legal and appropriate.
2. The City Manager shall recommend changes in Commission policy when appropriate and shall make appropriate changes in all other policies when required.
3. The City Manager shall see that all policy manuals are properly updated with any changes that are made.

### D. PROCEDURE

1. At least annually, the City Manager shall review all City policies to assure that they comply with all laws and that they properly address current issues.
2. As needed, the City Manager shall recommend changes in Commission policy to properly address any needs that the City might have.
3. The City Manager will cause any other changes to be made in general City policies that will facilitate City operations or that might be needed to properly carry on City business.

## 1.3 PROCLAMATION POLICY

Adopted 6/6/1984

### A. BACKGROUND

The City Commission is often asked to proclaim a certain day, week or other time period as a special time to be noted by the people of Newton. This action serves to inform the public of worthwhile activities or accomplishments within the community. However, the increased demand for this action coupled with the lack of a sponsor, in many cases, has influenced the Commission to adopt a general policy.

### B. PURPOSE

1. The purpose of a proclamation is to increase awareness of an important issue, to celebrate an annual event or to honor a group's accomplishments. The proclamation is not legally binding and is only honorary in nature.
2. Ensure that Proclamations are sponsored by the responsible group or person, who can answer questions about the event or accomplishment.

### C. POLICY

1. Individuals or groups requesting Proclamations shall contact the City Clerk's Office to obtain the prescribed format for preparing Proclamations. Proclamations are to be submitted to the City Clerk's Office no later than 9:00 A. M. on the Wednesday preceding the next regularly scheduled City Commission meeting.
2. Proclamations are intended to bring the public's attention of the achievements of groups or individuals, or the activities of nonprofit organizations. Proclamations will not be considered by the commission that promote a specific commercial business' activities or for declaring a partisan political position.
3. A proclamation issued by the Mayor and City Commission does not mean the Mayor or City Commission endorses the group or project.
4. When Proclamations are presented before the City Commission, a sponsor of the Proclamation must be present at the meeting to answer questions concerning this agenda item. If a sponsor is not present, then the Proclamation will not be considered.

D. PROCEDURE

1. Sponsor shall follow the procedure outlined above.
2. Item will be placed on agenda for City Commission meeting.
3. Commission will allow representatives from the organization a few minutes to speak in behalf of the activity or Proclamation.
4. City Commission will vote on the Proclamation.

## 1-4. POLICY FOR SELECTING THE MAYOR

Adopted 6/3/1981

### A. BACKGROUND

The traditional method for selecting the Mayor, which was that the Commissioner who received the highest number of votes during the most recent election was discussed. The Commissioners believed that the Mayor should have at least one year of experience on the Commission before becoming Mayor.

### B. PURPOSE

It is the intent of this policy to make sure that those who lead the City of Newton have had previous experience in local government.

### C. POLICY

1. The Newly-elected Commissioners shall not serve as Mayor of the City during their first year in office, unless the newly-elected commissioners have served on the City Commission prior to the current term of office.
2. The Mayor of the City of Newton shall be the person who received the most votes in the most recent election, except when the person is in his/her first year of office.

### D. PROCEDURE

The Mayor for the City of Newton will be selected by the Commissioners themselves, following the guidelines outlined in the policy section, above.

## 1-5. ECONOMIC DEVELOPMENT POLICY

### I. PURPOSE AND OVERVIEW

The purpose of this policy is to establish criteria for granting economic development incentives to broaden and diversify the tax base, create new job opportunities for the residents of Newton, and promote the economic growth and welfare of the City. Economic development incentives are necessary because of the inherent competition for new businesses and jobs.

The City is focused on encouraging growth that fits the needs of our residents and businesses.

The following guidelines are intended to provide a framework for consideration of incentives and may not be the only factors to consider. The guidelines outlined in this document are primarily quantitative considerations.

Qualitative considerations also factor into decisions regarding granting incentives.

Economic development incentives available from the City of Newton may include (but are not limited to):

- Industrial Revenue Bonds
- Property Tax Abatements
- Sales Tax Exemptions
- Economic Development Exemption (EDX)
- Speculative Buildings
- Fee Waivers and Fee Reductions
- Special Development Districts
- Neighborhood Revitalization Program (NRP)
- Tax Increment Financing (TIF)
- Community Improvement District (CID)
- Reinvestment Housing Improvement District (RHID)

Each request for incentives will be evaluated on an individual basis. The City may conduct legal and/or financial research regarding the applicant as part of eligibility determination. Changing economic conditions and availability of funds may cause the City to modify, amend, or discontinue any economic development incentive program. Should an incentive program be discontinued, the City will honor any incentive committed to before the discontinuance of the program.

Exceptions to this policy may be made at the discretion of the City Commission.

The City may participate in the cost of certain public improvements in accordance with the City's Public Improvement Finance Policy.

## II. ELIGIBILITY

Minimum private to public capital investment (the City's investment into the project) ratio should be 2 to 1. For projects that involve multiple phases of private capital investment, but up-front public capital investment that benefits all phases of development, the amount of private investment for a phase of development must be at least twice the proportion of public capital investment that directly benefits that phase of development. The City Commission may waive this limit for projects of a substantial nature, or projects that diversify the local economy.

Return on Public Investment (ROI): Requests for local incentives may require a benefit/cost analysis be completed prior to consideration. The ratio of public benefits to public costs, each on a present value basis, should be at least 1 to 1.3 for Industrial Development. No benefit/cost analysis is required for projects seeking a sales tax exemption only, or for 501(C)(3) organizations, unless required in other sections of these guidelines.

### 1 ADDITIONAL ELIGIBILITY CRITERIA

- a. No incentive shall be granted if the incentive would create, in the judgment of the governing body, an unfair advantage for one business over another competing business within the City.
- b. Any incentive granted by the City shall be subject to the "but-for" principle, meaning that the incentive must make such a difference in determining the establishment or expansion of the business that the business would not otherwise be established or expanded in the City, if it were not for the availability of the incentive. It is the policy of the governing body that private business should not be subsidized with public funds, the indirect consequences of tax incentives, unless some public good results and the public subsidy can reasonably be expected to make a significant difference in achieving economic growth and the creation of new jobs within the City.
- c. A business, developer, or organization must be current in its payment of ad valorem property taxes (including special assessments) to be considered for any public incentive.

### III. POLICY CONSIDERATIONS

The recommended percentage of property taxes to be abated, shall be cumulative (up to 100%) based on (1) New Job Creation, (2) Capital Investment, (3) Location and (4) Utilization of State Incentives.

#### 1. New Job Creation

For the purpose of determining the recommended percentage of tax abatement, the number of new full-time equivalent (FTE) jobs created by the project will be used to determine the recommended abatement. It is the City's preference that new jobs be full-time positions with competitive benefits. For the purpose of this policy, FTE jobs are defined as full time employees who are paid to work at least 1,664 hours per year, or part time or temporary employees consolidated to obtain the equivalent of 1,664 hours per year.

The amount of recommended tax abatement based solely on FTE job creation is based on a sliding scale that allows smaller projects to benefit.

Percent	Number of FTE Jobs
30%	5 to 25 new FTE jobs
40%	26 to 50 new FTE jobs
50%	> 50 new FTE jobs

Wage and Salary Criteria: This is determined by the wage thresholds for state incentives based of NAICS codes.

#### 2. Capital Investment

For the purpose of determining the recommended percentage of property tax abatement, capital investment in the project will be used to determine the recommended abatement.

Percent	Capital Investment Amount
15%	Between \$500,000 and \$1 million
25%	Over \$1 million, and up to \$2 million

40% Over \$2 million and up to \$5 million

50% Over \$5 million

### 3. Location

Businesses are encouraged to locate and/or expand within the Special Development Areas shown on page 12. To foster such action, businesses may be recommended for up to a 30% additional tax abatement for locating within a Special Development Area, if the project accomplishes the goals and is consistent with the policies of one or more of the following Special Development Areas or another similar area laid out in a City development plan that has the required water and wastewater capacity.

- Kansas Logistics Park
- Airport and Environs
- Neighborhood Revitalization Program Area

### 4. Utilization of State Incentives

Projects that qualify for and utilize State Economic Development Incentives are eligible for an additional 10% tax abatement.

Example of recommended percentage abatement:

*If a company is projecting it would create 26 new FTE jobs, it would qualify for a 40% abatement. If it is also investing*

*\$900,000 in facilities and/or machinery and equipment, it would qualify for an additional 15%, totaling 55%. If the company is located within a Special Development Area, it would qualify for an additional 30% (85% total). If the company is also utilizing State of Kansas incentives, add another 10% for a total of a 95% abatement.*

## IV. ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

All economic development incentives will be formalized in a written agreement between the City and the recipient. The recipient will be required to meet applicable performance criteria, such as but not limited to:

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- A. Jobs created and payroll agreements.
- B. Wage requirements.
- C. Capital investment.
- D. Compliance with income based rental requirements or home sale cost requirements.
- E. Compliance with all applicable governmental laws, rules and regulations.
- F. Compliance with any other conditions outlined in the agreement.

The City reserves the right to conduct a compliance assessment to assure compliance with the economic development incentive agreement. The City may discontinue any ongoing incentives and require the incentives already received to be repaid in full or in part, as set forth in the Payment-in-Lieu-of-Tax Agreement, if performance criteria are not met.

Whenever practicable, the City will include “clawback” provisions (relating to repayment or cessation of incentives) in all incentive agreements, and the City may exercise such provisions when the terms of the incentive agreements have not been met.

## 2 Payments-In-Lieu-of-Taxes (PILOTs):

Payments in Lieu of Taxes may be requested from any applicant receiving tax abatements up to the amount of property tax abated. This amount may include tax payments levied on the property prior to the improvements. Said PILOT payments shall be payable to the Harvey County Treasurer for distribution to all local taxing jurisdictions which levy taxes on the abated property.

An applicant may also be required to make PILOT payments at any time in the event of non-compliance with the conditions imposed by the economic development incentive agreement, as an alternative to complete cancellation of the tax abatement.

## 3 Annual Reporting

Annual reporting is required as a condition of any incentive. Developers shall provide an accounting to the City no later than 120 days following the end of the calendar year or the organization’s fiscal year as applicable. For speculative building incentives, the annual report shall provide an account of all lease activity within the spec project including the names of all companies, square footage occupied and prior location of company. Annual reports should

be compiled and presented to the City Commission annually at a public meeting. It is encouraged that the business be present at these meetings.

Economic development incentives may not be transferred or otherwise conveyed to another party without prior approval of the City Commission.

## V. INCENTIVE PROGRAMS AND PLANS

### 1. Industrial Revenue Bonds (IRBs)

Industrial Revenue Bonds are a mechanism to achieve either a property tax abatement, a sales tax exemption, or both. Projects must qualify under the eligibility criteria.

The City is authorized under State law to grant tax abatements in connection with the issuance of Industrial Revenue Bonds (IRBs).

#### a. Property Tax Abatement

Property taxes may be abated for new improvements to real property and for newly acquired items of personal property not otherwise exempt under Kansas law, used by an eligible business in connection with an expansion or relocation of the business' operations. Land and existing buildings are not generally eligible for property tax abatement. Existing buildings may only be considered for tax abatement if the building has been vacant for at least two years and is acquired by a party not related to the previous owner. Otherwise, no existing property will be removed from the tax rolls. The term of tax abatement on real taxable property improvements under these guidelines shall be ten years.

The recommended percentage of property taxes to be abated shall be cumulative, based on new job creation, capital investment by the eligible business, and additional considerations as described in Section III.

#### b. Sales Tax Abatement

Sales tax exemptions may be granted for eligible purchases financed by Industrial Revenue Bonds (IRBs) and are subject to approval by the City. A sales tax exemption

may be granted for projects with or without a property tax exemption. No benefit/cost analysis is required for projects seeking a sales tax exemption only.

## 2. Economic Development Exemption (EDX) -Property Tax Abatement

The City of Newton is authorized under state law to grant tax abatements on private business property under Article 11 of the state constitution that enables economic development exemptions (EDX) for certain types of businesses. EDX abatements are limited by state law to:

- a. Expanding Manufacturing. Determined by appropriate NAICS codes.
- b. Research and Development. The conducting of research, development or testing for aviation, scientific, medical, food product or industrial purposes.
- c. Warehousing and Distribution. Business that creates or retain jobs. Majority of goods stored/shipped must be destined for end-users located outside the Wichita MSA.

## 3. Speculative Building

A speculative building is a building developed and constructed without any preleasing in place. Construction commences without a prelease when the developer believes there is so much demand for that type of building in that market or submarket that a lease commitment is bound to come through. In order to encourage commercial growth in Newton through capital investment and job creation, economic development incentives may be offered for speculative buildings.

Eligible speculative building projects may qualify for property tax abatement as follows:

### A. Industrial Building:

An industrial building is a structure used primarily for manufacturing, research and development, production, maintenance, and storage or distribution of goods or both, that meets the following criteria.

- Minimum 25,000 square foot building.
- Minimum clear height of 28'.
- Building must be constructed upon a site that is appropriately platted and zoned, with access to necessary municipal services. The project must obtain all required City approvals,

including site plan review, building plan review, building permit and required inspections, and a certificate of occupancy.

- Construction must begin within 180 days of Commission approval and be complete within 18 months of Commission approval.
- The property tax abatement is 95% for 1st five years and 50% for 2nd five years if 50% or more is leased to an eligible tenant.
- May include office space ancillary to an industrial use.

**B. Flex Facility:**

A flex facility is an industrial building designed to be used in a variety of ways. It is usually located in an industrial park setting. Specialized flex buildings can include service centers, showrooms, offices, warehouses and more.

- Minimum 15,000 square foot building.
- Minimum of 30% office space.
- Building must be constructed upon a site that is appropriately platted and zoned, with access to necessary municipal services. The project must obtain all required City approvals, including site plan review, building plan review, building permit and required inspections, and a certificate of occupancy.
- Construction must begin within 180 days of Commission approval and be complete within 18 months of Commission approval.
- The property tax abatement is 95% for 1st five years and 50% for 2nd five years if 50% or more is leased to an eligible tenant.

**C. Office Building:**

An office building is a Class A building structure providing environments that are conducive to the performance of management and administrative activities, accounting, marketing, information processing, consulting, human resources management, financial and insurance services, educational and medical services, and other professional services.

- Minimum 15,000 square foot building (office space). The building may be mixed use but the minimum square footage applies only to office space.
- Building must be constructed upon a site that is appropriately platted and zoned, with access to necessary municipal services. The project must obtain all required City approvals,

including site plan review, building plan review, building permit and required inspections, and a certificate of occupancy.

- Construction must begin within 180 days of Commission approval and be complete within 18 months of Commission approval.
- The property tax abatement is 95% for 1st five years and 50% for 2nd five years if 50% or more is leased to an eligible tenant.

#### 4. Fee Waivers and Fee Reductions

In order to encourage re-investment and redevelopment, the City may eliminate or reduce various fees by request. Waived or reduced fees may be requested for projects that meet local development objectives in writing to the City Commission.

#### 5. Housing Development and Reinvestment Housing Incentive District (RHID) Policy

As the City of Newton continues to invest in the needs of our growing population and community, it faces housing challenges and opportunities.

In 2021, KHRC and the Office of Rural Prosperity launched the state's first comprehensive housing needs assessment in nearly 30 years. A lack of quality, affordable housing is widely recognized as one of the state's biggest barriers to growth and development. The comprehensive assessment was identified as the crucial first step in addressing the state's housing needs and identifying development priorities.

The Reinvestment Housing Incentive District Act (K.S.A. 12-5241 et seq.) is intended to encourage the development and renovation of housing in communities by authorizing cities and counties to finance certain improvements and provide reimbursements to developers for eligible expenses in building housing. RHID captures the incremental increase in property taxes created by the development project for up to 25 years. With a population of less than 60,000, the City is eligible to use RHIDs.

Financing of public infrastructure shall be provided by the applicant through petitions for special assessments and/or privately placed financing, with RHID funds used to reduce special

assessment debt levied on the development and to reimburse the developer for privately financed infrastructure.

#### RHID Housing Project Assistance Process and Guidelines

For a developer to take advantage of the incentive, the property must be within an established RHID. The City establishes an RHID and the incentives by:

1. Updating the Housing Needs Analysis (HNA), if necessary.
2. Set the physical boundaries of the RHID.
3. Adopt a resolution to make certain findings and request Secretary of Commerce approval of the proposed boundaries, if necessary.
4. Create a development plan and negotiate a development agreement.
5. Adopt a resolution describing the proposed housing development project and information required by the RHID Act and to provide for a public hearing.
6. Hold public hearing on the proposed housing development project and pass Ordinance establishing the RHID and adopting the district plan. Approve the development agreement.
7. Send RHID documentation to County and School District officials after expiration of the 30-day nullification period.

#### 4 Housing Subdivision Infrastructure

The tax allocation can be used to reimburse the developer for the costs of the following infrastructure. The maximum amount of the tax allocation and the maximum term of the reimbursement will be established by development agreement.

- Sidewalks
- Sanitary Sewers
- Site Preparation

- Storm Drainage
- Streets
- Traffic Control Signals
- Water System

## 6. New Hotel Development

To encourage the development of new lodging facilities that enhance the City's tourism, business travel, and event-hosting capacity, the City of Newton may offer the following incentive package for qualifying projects:

### A. Eligible Incentives

#### 1. Industrial Revenue Bonds (IRBs) – Property Tax Abatement

- The City may authorize IRBs with an 80% property tax abatement for a period of ten (10) years on new real property improvements and eligible personal property associated with the project.
- Eligible uses must comply with State IRB statutes and the City's general IRB requirements.
- Abatement percentage is fixed at 80% and is not subject to the sliding scale under Section III of this policy.

#### 2. Community Improvement District (CID)

- The City may authorize the creation of a CID with a dedicated 2% CID sales tax for eligible project costs, including site preparation, infrastructure improvements, and building construction.
- CID revenue may be used on a pay-as-you-go basis or to retire special or general obligation bonds issued for the project.

#### 3. Transient Guest Tax (TGT) Incentive

- The City may dedicate 2% of the TGT generated by the project for up to 10 years to the developer for eligible expenses as defined in the development agreement.

### B. Eligibility Criteria

- The project must be a nationally or regionally recognized flag or unique boutique brand meeting City quality standards.
- Minimum project investment of \$5 million.

- Minimum of 60 keys (rooms) unless otherwise approved by the City Commission for boutique or specialty lodging concepts.
- Demonstrated market demand through a feasibility or market study acceptable to the City.

## 2. Existing Hotel Rebrand/Remodel

To support reinvestment in existing lodging facilities and improve Newton's hospitality market competitiveness, the City may offer:

### A. Eligible Incentives

#### 1. Industrial Revenue Bonds (IRBs) – Property Tax Abatement

- The City may authorize IRBs with up to an 100% property tax abatement for a period of up to ten (10) years on eligible improvements directly related to the rebrand/remodel.
- The abatement will apply only to the increased valuation resulting from the improvements.
- Sales tax exemption available for eligible construction materials.

#### 2. Community Improvement District (CID)

- The City may authorize a dedicated 2% CID sales tax for eligible project costs related to the rebrand/remodel.

#### 3. Transient Guest Tax (TGT) Incentive

- The City may dedicate 2% of the TGT generated by the property post-rebrand/remodel for up to 5 years.

### B. Eligibility Criteria

- Project must result in a full brand conversion or substantial renovation meeting the standards of a nationally or regionally recognized hotel brand.
- Minimum project investment of \$1 million.
- Minimum 20% of total project cost must be directed to guest room renovations.
- Proof of franchise agreement or brand approval, where applicable.

## 3. General Provisions for Hotel Incentives

- All incentives are subject to a formal development agreement approved by the City Commission, including performance benchmarks and clawback provisions.
- The City reserves the right to require a benefit-cost analysis to demonstrate a positive return on public investment.
- Incentives under this section are intended to complement, not replace, other available state or federal programs.

## VI. Special Development Areas and Districts

### 1. Special Development Areas

- Neighborhood Revitalization Program Area
- Kansas Logistics Park
- Airport

### 2. Special Development Districts

The City is authorized under state law to create the following special development districts to encourage economic development in the city.

- Tax Increment Financing District (TIF)  
Tax Increment Financing (TIF) is a financing and development tool that allows future incremental real property taxes generated by new development to pay for costs of construction of public infrastructure and other improvements. TIF is designed to encourage development of blighted, substandard and economically underutilized areas that would not be developed without public assistance.
- Reinvestment Housing Incentive District (RHID)  
A Reinvestment Housing Incentive District (RHID) is a program designed to aid developers in building housing by assisting in the financing of public improvements. RHID captures the incremental increase in real property taxes created by a housing development project for up to 25 years. In order to take advantage of the incentive, property must be located within an established RHID. Districts are defined by the City based on housing needs and criteria outlined in the Housing Development and Reinvestment Housing Incentive District Policy.

- Community Improvement Districts (CID)

The Community Improvement District program enables financing of certain projects through special assessments or a dedicated CID sales tax. Projects can be funded with general or special obligation bonds, or on a pay-as-you-go basis.

A CID is formed by the petition of landowners within the proposed CID. According to the CID Act, a petition to create a CID must be signed by the owners of at least 55% of the total land area and total assessed property value within the proposed district.

## VII. APPLICATION PROCESS, EVALUATION AND FEES

### 1. Application Process:

Applying for incentives is a multi-step process. Because of the unique nature of each project and each economic development incentive, an applicant or petitioner seeking an economic development incentive is strongly encouraged, prior to submitting an application or documentation, to contact the City to discuss the project, eligibility, submission requirements and timing. A date for submission to the governing body will be selected by staff based upon available dates and staff work levels.

The application process formally begins when a complete application is accepted and appropriate fees are received by the City. The process requires staff review, may require a benefit-cost analysis or other economic evaluation; a public hearing or other actions; and/or City Commission consideration. The applicant shall provide a complete application on a form provided by the City.

### 2. Application Evaluation & Review

Following receipt of a complete application and any applicable fee, the following steps are required.

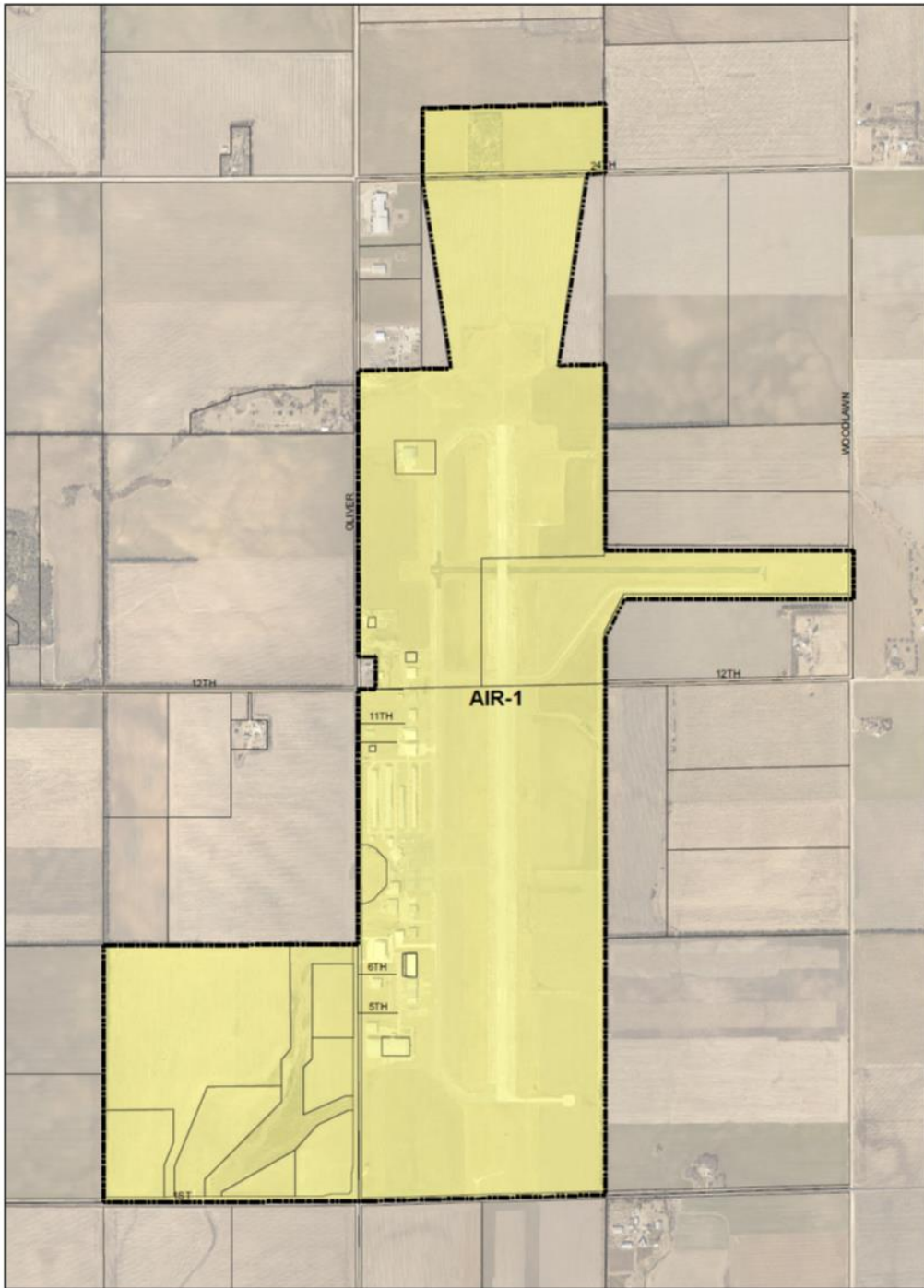
1. Staff review.
2. City Commission review and consideration, including any required public hearings.
3. Application Fees.

Application fees are in accordance with the current City fee document. Any costs incurred by the applicant prior to approval of any incentive will not be reimbursable by any incentive funding but depending on the incentive request and applicable laws, the applicant may be

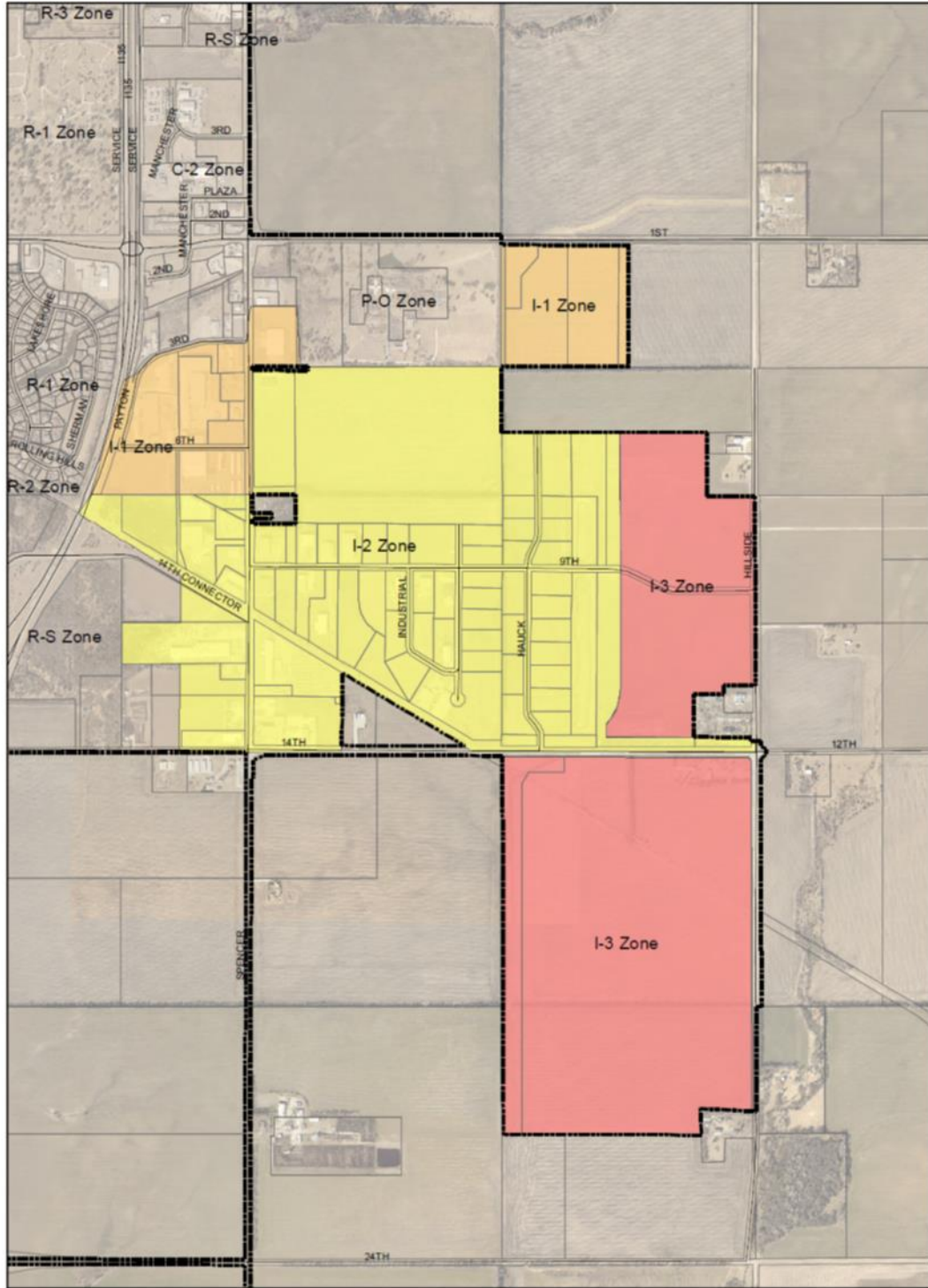
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reimbursed from bond proceeds or revenues. Requests for local incentives may require a benefit/cost analysis or other economic evaluation be completed prior to consideration. A designated agent on behalf of the City will conduct the analyses and any fees associated with the analysis is the responsibility of the applicant. No benefit/cost analysis is required for projects seeking a sales tax exemption only, or for 501(C)(3) organizations, unless required in other sections of these guidelines. Costs incurred by the City associated with outside Bond Counsel and a Financial Advisory shall be the responsibility of the applicant. Fees charged are to defray the cost of internal staff, external consultants, analysis, public notices and mailings necessary to administer and process applications. The overall goal of application fees is to ensure that the administration and processing of incentive applications are revenue neutral to the City.

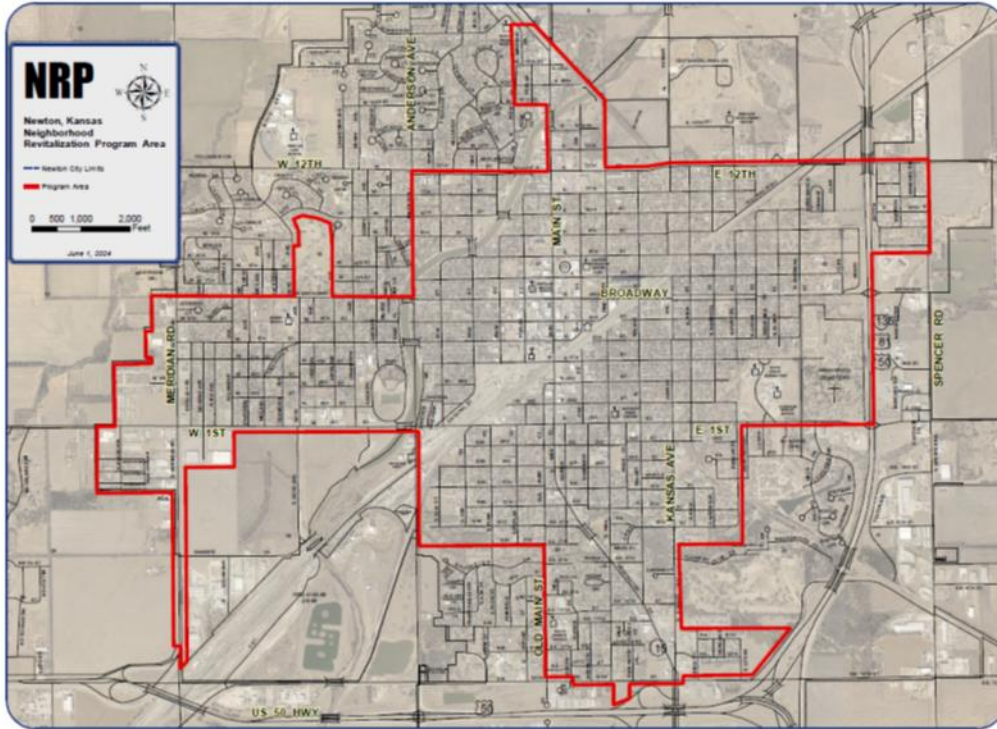
VIII. Special Development Areas and District Map



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IX. State of Kansas Incentive Programs

In addition to local financial incentives, the State of Kansas offers a wide array of services and resources to help businesses locate, expand, hire, invest and grow in Kansas. For more information, visit the Kansas Department of Commerce website at <https://www.kansascommerce.gov/>.

## 1-6. FINANCING PUBLIC IMPROVEMENTS

### A. BACKGROUND

This policy was adopted by the Governing Body to ensure that minimal amounts of protection to the taxpayers in financing of public improvements.

### B. PURPOSE

It is the purpose of this policy to ensure a portion of special assessments for new infrastructure are paid by the petitioner or developer, minimizing the cost to the taxpayers for new developments.

### C. POLICY

The City of Newton will facilitate new development by providing for the installation of public improvements (such as but not limited to streets, sidewalks, storm drains, waterlines, sanitary sewer line, etc.) upon submission of a valid petition of the property owners and the required financial guaranty. The required financial guaranty must be in one of the following forms:

- a. Cash, cashier's check or escrow account in an amount equal to twenty percent (20%) of the estimated principal cost of the requested public improvements as determined by the City Engineer; or
- b. An irrevocable letter of credit from a bank licensed or authorized to do business in the State of Kansas in an amount equal to thirty-five percent (35%) of the estimated principal cost of the requested public improvements as determined by the City Engineer; or
- c. A payment bond written by an insurance company licensed or authorized to do business in the State of Kansas in an amount equal to thirty-five percent (35%) of the estimated principle cost of the requested public improvements as determined by the City Engineer.

The estimated cost of the proposed public improvements shall include the cost of engineering design, construction, inspection, temporary note interest and administration. Any such escrow account, letter of credit or payment bond shall be in a form approved by the City Attorney and shall contain or be subject to the following terms and conditions:

- a. In the event that any special assessments shall not be paid when due as to any property that has not been purchased for occupancy by a party other than the petitioner or a related party, the City has the option to cause all or any part of such financial guarantee to be forfeited to the City, and the City shall retain and apply the proceeds thereof against present and future arrearages in the special assessments.

b. The financial guaranty shall be released upon request when principal buildings have been constructed and have passed final inspection and been approved for occupancy by the City's Department of Public Works on property in the benefit district constituting properties liable for at least thirty-five percent (35%) of the total special assessments throughout the benefit district.

Special assessment financing will not be approved if the petitioner, or if any individual constituting one of the petitioners, or if any individual holding an ownership or other equitable interest in any entity serving as a petitioner, has a substantial interest in any existing property within the City as to which there are unpaid and delinquent special assessments. All petitioners for special assessment financing for new developments will be required to disclose, under oath, the existence of all substantial interests within the meaning of this policy. A "substantial interest" for purposes of this application of this policy include the holding of an ownership or other equitable interest in a property or properties by any of the following:

- a. By an individual and/or such individual's spouse; and
- b. By an entity (corporation, general or limited partnership, limited liability company, joint venture, trust, etc.) in which an individual and/or such individual's spouse holds and ownership, equitable and beneficial interest.

Installation of public improvements with special assessment financing may be authorized by the governing body without a financial guaranty when deemed to be in the public interest and when one or more of the following conditions exist:

- a. Improvements are initiated by the governing body;
- b. The majority of the property within the benefit district is under separate ownership; or
- c. The benefit district is in multiple ownership and a majority of the property therein is developed with residences or other principal businesses.

Nothing herein shall serve to limit or prevent the exercise by the governing body of its discretion to approve or deny in whole or in part any petition or application for public improvements for any reason it may deem sufficient, or to further condition its approval thereof.

## 1-7. ANNEXATION POLICY

### A. BACKGROUND

The City recognizes the importance of controlling land beyond the corporate limits of the City in order to achieve various land use, planning and capital improvement objectives and to assure that development which may ultimately be incorporated in the City does not occur in a substandard manner which would be detrimental to the City. The City in the past has annexed lands because of service or health crises therein, although the County had permitted such development without regard for potential problems that would likely arise. These issues were resolved to a large degree through a Joint City/County Study Committee in 1987. This committee agreed that the County would establish and enforce workable standards in housing developments outside the corporate limits of the City of Newton.

### B. PURPOSE

It is the purpose of this policy to facilitate annexation of county areas when such annexation is found desirable by the City and the residents of the area in question; to assure an adequate supply of land for City growth and development; to minimize City expenditures upon annexation and to encourage effective County control of land development until such time as the City annexes the areas in question.

### C. POLICY

1. Cities are of vital importance to the state and to the general public, both city residents and non-residents. Cities are where three-fourths of all Kansans live. Cities provide people with a sense of place or community. Cities are where most jobs now are, and where most jobs will be in the future. Cities, through their taxpaying residents, contribute the large bulk of the taxable income and retail sales which support the state general fund. It is contrary to the public interest, to the future economic development of Kansas, and to the long-term interest of state government itself, to bring about the gradual destruction of cities as viable places to live an work by denying cities adequate power to annex and to grow—to make that which is part of the urban community a part of the legal corporate municipality.

2. If Kansas is to meet the governmental and public service needs of people, property and businesses in urbanized areas, there are only two alternatives to annexation—either the continued growth and proliferation of special districts, or the expansion of county government as a municipal service agency. We believe either alternative is undesirable and unacceptable. The number of special purpose districts required as a substitute to city growth though annexation would result in a quagmire of our already complex local government

structure; an increase in the number of general improvement districts would simply result in the creation of a confusing jungle of pseudo-cities, under a different name. Perhaps, in the distant future counties may legally replace cities. We believe this would simply shift certain problems to a different arena. There is also the very practical reality that, in all but Wyandotte County, the urban portion of counties is but a fraction of the whole county, and farmland should not be taxed to provide services of exclusive benefit to non-farm fringe areas, any more than property within cities should be taxed to provide services of exclusive benefit to non-city areas.

3. For the past two decades, Kansas has benefited from effective and workable general annexation laws. These laws have been used responsibly, by locally elected governing bodies, to achieve the long-term public interest of the entire community. We recognize that conflicts often result from annexation, since the private interest of the individual landowners, and the long-term public interest of the individual landowners and the long term public interest are not compatible. Cities do understand the financial tax advantages of property owners being located in the “community city” but outside the “legal city”. Cities also understand that annexation is often not the politically popular thing to do, even though the landowners may have created the situation by making residence and development decisions with the intent to obtain the benefits, services and amenities of a city, but not the responsibilities. It may be more appropriate to criticize cities for past failures of annexing too little, too late, rather than too much. Such criticism may be especially valid where governing bodies have failed to undertake timely annexations because of a lack of concern about the long-term future of the city, or simply out of fear of provoking the wrath of non-city property owners.

4. We believe that state laws should favor the annexation of land into existing, functioning cities as the preferred avenue for providing municipal services to unincorporated areas now urbanized or which are becoming urbanized. We believe it imperative that the legislature retain for cities adequate and workable annexation authority which will secure the long-term public interest and total community needs.

5. We believe that the owners or residents of land adjoining a city should not be granted a statutory right to vote on or consent to annexation. It is essential that the long-term public interest of the would community be given priority in municipal growth, in the same manner that other, over-all community needs in our society occasionally require the sacrifice of some private goals and interests in order to achieve the greatest social utility of the area and benefits to the many. It is untenable to us that the owners of land within the fringe area, whose location has the benefit and value primarily in relation to the existence of the city,

should be given veto power over the geographic, economic and governmental destiny of the whole community.

6. We oppose any legislation which further restricts the basic power of cities to annex adjacent territory that is now urbanized or that is becoming urbanized. However, we are supportive of actions to assure by law greater political due process for the owners of land subject to annexation, which still maintains workable and effective annexation authority as follows:

- a. Requiring planning commission review of proposed annexations;
- b. Providing for notice of intent to annex to other governmental units;
- c. Mandating public hearings in areas under consideration for annexation;
- d. Specifically authorizing service extension agreements, conditioned on possible future annexation; and
- e. Establishing a procedure for deannexation upon the failure of a city to timely provide major municipal services, as specified in the city's service delivery plan.

7. Cities should have full authority to control who provides utility services to areas annexed to the city. The existing electric territorial act should not be changed except to provide for reasonable compensation for existing facilities when the city or another supplier assumes jurisdiction as a result of annexation.

8. We request an interim legislative study of the adequacy of the planning and development regulations applicable to the fringe areas of cities. We believe that cities should have more control and influence over adjacent developments which may become a part of the city in the future, or other assurance that urbanized development in the fringe area will meet urban standards.

9. In accordance with the policy stated above, and with the recommendations suggested by the 1987 Joint City/ County Study Committee, the Governing Body adopted amendments to its subdivision regulations. Specifically, the City adopted a subdivision classification system (sections IV and V of the amended Subdivision Regulation). The regulations provided for the extension of city services with and without the annexation requirement.

PROCEDURE

D. The City will follow all current statutes, ordinances and its own subdivision regulations when determining the feasibility of annexation of areas surrounding the corporate limits of the City.

## 1-8. APPROPRIATIONS REQUEST PROCEDURES

### A. BACKGROUND

Often the City of Newton receives requests from agencies outside of our municipal functions to provide community services. These requests need to be considered in a timely and uniform manner.

### B. PURPOSE

It is the purpose of this policy to:

1. Provide a procedure to insure timely review of these funding requests; and
2. Prepare forms to insure that the information provided by agencies outlines the scope of service to be provided and that complete financial data is available in a format in which the Governing Body is familiar.

### C. POLICY

1. Appropriations will only be considered for agencies providing a particular service on a community-wide basis.
2. The City Manager's Office shall provide requesting agencies the Appropriations request form. (A copy of this form follows this policy statement.)
3. Unless the Governing Body determines otherwise, completed appropriations request forms shall be received by the City prior to June 1 of each year. This will allow review of the requests to occur during the budget preparation process for the City.

### D. PROCEDURE

1. Obtain request forms from the City Manager's office in advance of the June 1 submission date.
2. Agencies requesting an allocation shall provide a financial report prepared with the most current year-end financial data available.
  - a. The following standards outline the scope of the statement:
    - 1) Any agency receiving an allocation in an amount up to \$10,000 shall provide a Compilation Statement with full disclosure.

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2) Any agency receiving an allocation in an amount greater than \$10,000 shall provide a Review Statement.

a. The reports shall be prepared by an independent certified public accounting firm in accordance with generally accepted auditing standards. The governing body can waive this provision when reviewing a Compilation Statement if the agency requests special consideration in that the expense of hiring an independent accountant would consume a disproportionate amount of the proposed allocation. The request for waiver should be noted in the application.

b. The governing body reserves the right to require additional financial reporting such as audited financial reports and more current financial data if the ending date of the provided financial report is over 120 days old.

c. If the requesting agency is newly created and does not have any financial history, then this group should work with the City Manager's staff to determine what information could be developed for consideration by the governing body.

## 1-9. CITY COMMISSION USE OF CITY LETTERHEAD STATIONERY

Adopted 10/7/1981

### A. BACKGROUND

The City of Newton uses an official stationery which displays the City's logo, mailing address and lists the names of City Commissioners and the City Manager. The stationery is used for official correspondence of the City of Newton. Occasionally, individual City Commissioners wish to use this letterhead stationery for correspondence which they feel is related to their duties as Commissioner. However, this creates a potential for misuse of the stationery and the possibility of misrepresenting the official position of the City of Newton.

### B. PURPOSE

It is the purpose of this policy to clarify the manner in which City Commissioners may use official city letterhead stationery.

### C. POLICY

1. Letters which are intended to represent the official position of the City of Newton shall be considered by the Commission and authorized by a formal vote prior to the letter being mailed. Such letter may bear the signature of the Mayor or of the entire Commission as directed by action of the Commission.
2. In the event that a letter such as that authorized under Section C-1 above is approved by the Commission, individual Commissioners shall not use City stationery to write letters of dissent from the official position taken by action of the Commission.
3. Letters of support for various community programs, grant applications, letters of congratulations or thanks may be written by individual Commissioners and printed on City stationery. Such letters do not require City Commission approval. However, copies shall be distributed to all Commissioners in the next Commission packet.
4. The Mayor may write letters and use City stationery to explain or represent the City's official position on matters of public interest. Prior Commission approval is not required if the City's position on the matter has been previously clearly stated. Examples of such statement would be the City's adopted legislative policy statement, resolutions, ordinances or City Commission meeting records.
5. Official stationery shall not be distributed to individual Commissioners but retained in the City Manager's office.

D. PROCEDURE

1. Any Commissioner desiring to send a letter on City stationery shall present the letter to the City Manager. Assistance in drafting such a letter shall be available from the City Manager upon request.
2. The City Manager shall determine the manner in which the letter meets the criteria set out in this policy and act appropriately. Letters requiring formal action of the Commission will be placed on the next consent agenda for consideration.
3. All letters shall be typed in the City Manager's office and mailed from there.
4. The City Manager shall distribute copies of all correspondence on city letterhead stationery bearing Commissioner's signature to all members of the City Commission.

## 1-10. POLICY FOR EVALUATING CITY MANAGER AND CITY ATTORNEY SETTING COMPENSATION

Adopted by Resolution G-470, 6/19/1991

### A. BACKGROUND

The City Commission of the City of Newton acknowledges that the position of City Manager of the City of Newton, in comparison to other executive positions in the City, ranks at or near the top as it relates to dollars managed number of personnel responsible for, and the general attitude and well being of the community as a whole.

Under Kansas law, city commissioners understand and acknowledge that the commissioner-manager form of city government in Kansas specifically limits commissioners to make only broad policy and the hiring and firing of the City Manager and City Attorney.

It is also acknowledged that the commission can change every two years at election time, making continuity of policy more difficult to practice year in and year out.

### B. PURPOSE

It is the purpose of the policy to:

1. Establish a fair and constructive method of evaluating the City Manager and City Attorney.
2. Assure that the Newton City Manager and City Attorney are compensated at or near the top of the City of Newton's peer group of Kansas communities of similar size and composition.
3. To help assure that the City of Newton is able to retain the City Manager and City Attorney and minimize the turnover in the key positions.

### C. POLICY

1. The City Manager and City Attorney shall be evaluated on an annual basis using a standardized instrument.
2. The evaluation shall be viewed as constructive and shall have a goal of providing feedback to the City Manager and City Attorney on his or her performance.

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3. The City Manager and City Attorney shall at least annually have his or her compensation package reviewed to assure that the package remains at or near the top of the City of Newton's peer group of like size Kansas cities of similar composition.
4. The League of Kansas Municipalities annually gathers data on Kansas City Managers and Kansas City Attorneys. This information will be considered the base data for peer group comparisons.

D. PROCEDURE

1. Annually, the Newton City Commission shall evaluate their City Manager and City Attorney utilizing the agreed to form
2. At least annually, the City Commission shall review the City Manager and City Attorney's compensation package to assure that it is at or near the top of the City of Newton's peer group of like Kansas Cities.
3. Current salary information on Kansas city managers and city attorneys are generally available prior to the budget preparation and can be used as a tool for budgeting the proper funds for City Manager and City Attorney compensation.

## 1-11. CODE OF ETHICS AND STANDARDS OF CONDUCT POLICY

Adopted 11/19/1996

### I. PURPOSE

This Code of Ethics for the City of Newton establishes standards of conduct of those persons who act for or on behalf of the public in the performance of all governmental duties and responsibilities.

Government service and public sector employment is a public trust, and those who serve the public must perform and discharge their duties consistent with the highest moral principles, serving always the best interests of the City and its citizens.

Representative government is based solely upon the consent of the governed, under a system whereby every citizen has a right to expect those who govern or serve in the government to act not for themselves but for governed as a whole. Since government can act only through its officials and employees, it is incumbent upon them to honor the public trust and instill confidence in government by their own integrity and conduct in all official actions.

It is, therefore, the purpose of this Code of Ethics to:

1. Maintain the highest ethical standards in the City government.
2. Increase the public confidence in the integrity of the officials and employees of the City.
3. Help officials and staff in determining the proper course of action when facing uncertainty in ethical obligations.

### II. APPLICATION

This Code of Ethics for the City shall apply to all persons who are elected to the Office of Commissioner; to all persons appointed or hired as employees of the City; to all persons appointed by the Board of City Commissioners to any position, board, or commission whether compensated or not, other than independent contractors, who perform personal services for and on behalf of the City.

The ethical standards, considerations and rules of conduct shall apply and be observed during the person's term of office or service with the City.

### III. POLICY STATEMENT

It is the policy of the City that:

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- A. All citizens be provided with fair treatment and equal access to and from the government, without any appearance or element of discrimination or favor or consideration of any special interest.
- B. All official actions taken in the performance of government duties or responsibilities be motivated by service of the public interest and protection of the public trust without any regard for personal achievement, aggrandizement, or personal benefit.
- C. All persons who act for or represent the interests of the City adhere to the highest standards of ethical conduct in the performance of their official duties.
- D. The policies and procedures for operation of the City government provide for efficient and cost-effective service, responsive to the public interest, which will preserve and promote confidence in government and the integrity of its members.

#### IV. ETHICAL STANDARDS

It shall be the duty of all persons to whom this Code of Ethics applies to observe the highest moral principles in all official actions, whether specifically noted or mandated in this Code, and to refrain from any course of conduct which might result in, or create the appearance of a violation of the following ethical standards. An official, whether elected or appointed, and a City employee should:

STANDARD 101: Endeavor to be loyal to high standards and to the City, above loyalty to persons, department or agency, or political or other interests.

STANDARD 201: Uphold the constitution, laws and regulations of the United States, the State of Kansas, and the City.

STANDARD 301: Treat all citizens fairly and equally with courtesy and respect, and never discriminate by dispensing of special favors or privileges, whether for remuneration or not.

STANDARD 401: Refrain from making any public or private promise the performance of which would require him or her to act beyond the proper scope of the duties of his or her office, or act in a manner which could compromise the integrity of his or her public office.

STANDARD 501: Never engage in business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her government duties.

STANDARD 601: Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making a private profit or gaining benefit for himself or herself or others; and never reveal any information made known to him or her through his or her public office which is by law confidential or by custom a protected right of privacy where revealing the information could affect the civil or moral rights of any citizen.

STANDARD 701: Always safeguard the public trust and never use nor allow the use of government property or funds for private purposes, for purposes other than authorized or permitted, or for purposes which could mislead the citizens or damage the confidence and reputation of the government.

STANDARD 801: At all times display the highest level of integrity in performing his or her duties and never knowingly nor negligently mislead or allow others to mislead the public or other government officials nor fail to disclose or report to appropriate officials any corruption wherever discovered.

STANDARD 901: Avoid the appearance of improper influence and refrain from ever receiving, soliciting or accepting gifts, gratuities, favors, or anything of value for himself, herself, family or others, which is the intended or has the appearance or affect of influencing the performance of his or her duties; and should never himself or herself lobby nor attempt to influence others in the performance of their duties by any means which are not a part of his or her authorized duties.

STANDARD 1001: Never allow his or her judgment to be compromised by any personal, family or business interest not a part of his or her government service and never act upon any matter in which he, she, family or business has or may have any financial or beneficial interest; and always declare and disclose the full nature and extent of any personal, family, or business interest in any matter related to governmental actions or duties.

STANDARD 1101: Stand as a representative of the City and the public trust and never intentionally act outside the scope of his or her authority in that representation nor allow to be perceived as acting on behalf of the public or government when, in fact they are not.

## V. INTERPRETATION AND GUIDELINES

A. GENERAL INTENT AND INTERPRETATION. This Code of Ethics is intended to establish standards to guide the decisions and actions of the public officials and employees in the performance of their official duties and functions. The standards established by the Code are rules of reason and not rules of law, and they do not themselves seek to impose duties or obligations not otherwise required of public officials or employees. Rather, the standards seek to recognize the expectations inherent in government service through public opinion and perception and to define the special responsibilities that arise through the representation and authority of government. Likewise, the Code does not attempt to exhaust the moral and

ethical values that must guide government actions, nor does it displace professional knowledge, skill or judgment. Every person in government service must also be guided by personal conscience and the independent ideals of their profession, as well as the legal duties imposed upon them. These standards, therefore, should be interpreted with reference to the purposes of government service and the unique stature of public professionalism.

B. ETHICAL CONSIDERATIONS. The Advisory Board may develop and issue Ethical Considerations, to be used for interpreting and applying the provisions of the Code of Ethics.

C. GUIDELINES FOR APPLICATION. The following guidelines are designed to provide a frame of reference for interpretations of the Ethical Standards. They are not absolutes, but serve as considerations to be applied to specific factual situations.

1. Gifts and Gratuities. A gift or gratuity would include any item of value, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, favor, or tangible objects. As a general rule, a public official or employee should not:

- a. Solicit a gift or gratuity for any purpose related to their official duties or City business or operations;
- b. Accept any gift or gratuity (other than appropriate political contributions for elected officials) for the performance of duties;
- c. Keep any unsolicited gift or gratuity having a value exceeding \$100; and
- d. Accept any gift or gratuity under circumstances that a reasonable person would question or circumstances where the giver would have reason to expect something in return.

Further, as a general rule, a public official or employee should:

- a. Report to their supervisor, department head, personnel officer, or City Manager, any offer or attempt to offer a gift or gratuity in exchange for the performance of their duties;
- b. File a disclosure statement showing the nature of any unsolicited gift or gratuity received, the person giving the gift or gratuity, its value and the circumstances under which it was received; and
- c. To the extent possible, retain any unsolicited gift or gratuity for the office or department as a whole, rather than as a personal gift or gratuity.

2. Financial Interest Disclosures. A material financial interest would include an interest that provides direct financial remuneration to the public official or employee, or to any member of their immediate family, in an aggregate amount of five hundred dollars (\$500) or more in any year, or an ownership interest in any business entity which exceed ten percent (10%) of the total ownership. A public official or employee of the City should always fully and publicly disclose any material financial or other beneficial interest that the official or

employee has or may have in any contract, legislative action, formal decision, or governmental ruling or determination whenever the official or employee will or may participate in any manner in the discussion, deliberation, decision, or administration of the matter.

3. Conflict of Interest. A conflict of interest includes any circumstances under which a public official or employee of the City has a direct personal interest, other than the diligent performance of their official duties, in the result or outcome of any governmental action for which the official or employee has, in whole or in part, any discretionary authority or responsibility. It is not limited to financial interests, but may include other interests such as personal friendships, family relations, or other associations with groups or persons. A public official or employee of the City should always avoid even the appearance of such conflicts by full, public disclosure of such interest to appropriate officials and, where possible, by abstaining from participation in the performance or exercise of the official, discretionary actions. Elected Officials should abstain from voting on issues only if there is a conflict of interest, and should state, in general terms, the nature of the conflict.

#### VI. ETHICS ADVISORY BOARD

The Advisory Board shall be a standing committee, established by the City Manager, and may include one or more of the following designated members:

1. The City Manager, or their designee;
2. The City Attorney, or their designee;
3. The Director of Finance, or their designee; and
4. The City's Personnel Director, Human Resource Director, or City Clerk, or their designee.

In the event that any matter presented to the Ethics Advisory Board for consideration is directly related to any member of the Advisory Board, or which involves any member of the Advisory Board or another person directly supervised by a member, then that member shall not participate in the consideration of that particular matter and shall, for the purposes of that matter only, be replaced by on the Advisory Board by:

1. A person designated by the City Manager, or
2. A person designated by the Board of City Commissioners, if the member is the City Manager.

It shall be the duty and function of the Ethics Advisory Board to issue interpretations and guidelines for the Ethical Standards, and to conduct investigative reviews upon complaints of

violations of the Ethical Standards. The Kansas Association of City/County Management and the International Association of City/County Management are recommended for use as resources in accomplishing these duties.

## VII. COMPLAINTS AND PROCEDURES

A. Departmental Review. Any allegation of a violation of the Code of Ethics for the City shall be acted upon and resolved through standard policies and procedures of the applicable City department or agency or through the City Personnel Policies.

B. Advisory Board Review. In the event that any allegation of a violation of the Code cannot be resolved through standard policies or procedures, then the complaint shall be referred to the Ethics Advisory Board for review and consideration. The Ethics Advisory Board may, as it deems necessary, conduct an investigation of the complaint, which may include interviewing persons who may have knowledge of the facts of the complaint. Upon completion of its review and/or investigation, the Ethics Advisory Board shall prepare a written report, stating its findings, conclusions, and recommendation on the complaint. If the Advisory Board finds that there is no merit to the allegations of the complaint and there is no cause to believe that a violation has occurred, then the Advisory Board shall immediately issue its finding, dismissing the complaint. If the Advisory Board finds that there is cause to believe that a violation may have occurred, then the report of its findings and conclusions shall be:

- a. Submitted to the City Manager, if the complaint involves an employee, a department head or agency director for his or her review, consideration or action; or
- b. Submitted to the Board of City Commissioners if the complaint involves the City Manager, or member of any City board or commission, or any person acting as a Commission appointed representative on behalf of the City.

## VIII. REVIEW AND ACTION UPON REPORT

The City Manager and/or the Board of City Commissioners shall immediately review any report submitted to by the Ethics Advisory Board, and shall conduct any additional investigation, including interviews or a hearing, as deemed necessary. Upon completion of the review, if it is determined that no violation has occurred, then the complaint shall be dismissed and action taken to conclude the matter. If it is determined that a violation has

occurred, then direct action shall be taken as deemed necessary and advisable, consistent with the provisions of this Code, to correct the violation and to enforce the Code of Ethics.

IX. CONFIDENTIALITY

All proceedings of the Ethics Advisory Board, the Board of City Commissioners, and any official, department or agency, in investigating and reviewing any ethics complaints shall be deemed as personnel matters and, thus, shall be confidential under Executive Session.

X. SANCTIONS FOR VIOLATION

For any violation of the Code of Ethics, the following enforcement action may be taken:

A. For elected officials of the City:

1. A public censure or reprimand be issued; or
2. A complaint be filed for action with the law enforcement officials; or
3. The matter be referred to the State Attorney General or County Attorney for consideration; or
4. The matter be dismissed for lack of cause.

B. For appointed officials of the City or persons acting as representatives on behalf of the City:

1. A public censure or reprimand be issued; or
2. Removal from the office or position, or termination of any contract, agreement or
3. A complaint be filed for action with the law enforcement officials; or
4. The matter be dismissed for lack of cause.

## 11-12. LIVESTREAM / VIDEOS OF CITY COMMISSIONS AND BOARDS

The City of Newton is committed to providing greater accessibility to its public meetings through livestreaming and video access. The City Commission hopes that more flexible and convenient access to a wider audience will result in greater community awareness and confidence in the integrity and accountability of the decision-making processes.

Anyone with a computer, smartphone, or tablet and Internet access can watch City of Newton public meetings as they are happening and can review previously streamed meetings online.

City Commission meetings held in Commission Chambers at City Hall will be livestreamed to the City's YouTube channel and Facebook page. Past video recordings produced via livestream as of April 2021 are available on YouTube and via the City's Meeting Agendas portal.

The City will livestream the entirety of any meeting being livestreamed without editing, with the exception of executive sessions (pursuant to K.S.A. 75-4319).

### **Workshops and Offsite Meetings**

City Commission workshops – informal meetings where no action is taken – will be livestreamed when they take place in Commission Chambers, with the exception of agenda reviews. Meetings held in other locations may be livestreamed as AV equipment allows.

### **Appointed Boards and Commissions**

Public meetings of decision-making bodies, Newton Planning Commission and Newton Land Bank, will be video recorded and posted online but not livestreamed.

Meetings of other City advisory boards, while open to the public, will not be recorded or livestreamed.

### **Technical difficulties**

While every effort will be made to ensure livestreaming and recordings are available, the City is not liable for unavailability of livestreaming or a recording due to technical issues. These technical issues may include, but are not limited to:

- Unavailability of an Internet connection
- Device failure or malfunction
- Unavailability of social media platforms
- Power outages.

### **Crowd Release / Notice of Filming and Photography**

By participating in a public meeting of the City of Newton, attendees are entering an area where photography, audio, and video recording may occur.

An attendee's presence at the meeting constitutes consent to be photographed, filmed, and/or otherwise recorded and to the release, publication, or reproduction of any and all

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recorded media of their appearance, voice, and name for any purpose in perpetuity in connection with the City of Newton and its entities and initiatives, including, by way of example only, use on websites, in social media, news, and/or advertising. By participating in a City public meeting, individuals consent to the use and public disclosure of any information that they share at the meeting (including any personal or sensitive information given), for the purpose of the commission or board to carry out its functions.